

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 202106397	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/19/2021 3:54 PM, Thursday, 08/19/2021 5:30 PM	Location of Incident: On Bushwick Avenue, in between Cook Street and Varet Street; 90th Precinct Stationhouse	Precinct: 90	18 Mo. SOL 2/19/2023	EO SOL 2/19/2023	
Date/Time CV Reported Thu, 10/21/2021 10:33 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 10/21/2021 10:33 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Piotr Trusewicz	27088	967369	090 PCT
2. An officer			
3. PO Jonathan Galindosanchez	23267	964005	090 PCT
4. PO Deirdre Collins	00215	965998	090 PCT
5. SGT Joanna Barletta	00430	951523	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Olga Dudka	23501	967049	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez interfered with § 87(2)(b)'s use of a recording device.	
B. PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez threatened to arrest § 87(2)(b)	
C. PO Jonathan Galindosanchez	Discourtesy: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez spoke discourteously to § 87(2)(b)	
D. PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez threatened to arrest § 87(2)(b)	
E. PO Jonathan Galindosanchez	Discourtesy: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez spoke discourteously to § 87(2)(b)	
F. PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez questioned § 87(2)(b)	
G. PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez searched § 87(2)(b)	
I.PO Piotr Trusewicz	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Piotr Trusewicz searched § 87(2)(b)	
J.PO Jonathan Galindosanchez	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez failed to provide § 87(2)(b) with a business card.	
K.PO Piotr Trusewicz	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Piotr Trusewicz failed to provide § 87(2)(b) with a business card.	
L.PO Deirdre Collins	Abuse: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Deirdre Collins seized § 87(2)(b)'s property.	
M.SGT Joanna Barletta	Abuse: Inside the 90th Precinct stationhouse, Sergeant Joanna Barletta authorized Police Officer Piotr Trusewicz to strip-search § 87(2)(b)	
N. An officer	Abuse: At the 90th Precinct stationhouse, an officer sexually humiliated § 87(2)(b) through failure to cover.	
O.PO Piotr Trusewicz	Abuse: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz searched the vehicle in which § 87(2)(b) was an occupant.	
P.PO Piotr Trusewicz	Abuse: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz damaged § 87(2)(b)'s property.	

Case Summary

On October 21, 2021, § 87(2)(b) filed an online complaint with the CCRB.

On August 19, 2021, at approximately 3:54 p.m., § 87(2)(b) was parked by a fire hydrant on Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn. § 87(2)(b)'s friend, was in the front passenger's side of the vehicle. PO Piotr Trusewicz and PO Jonathan Galindosanchez of the 90th Precinct approached § 87(2)(b)'s vehicle. PO Galindosanchez asked § 87(2)(b) for his driver's license and registration. § 87(2)(b) tried to record the officers with his phone. PO Galindosanchez allegedly told § 87(2)(b) that if he touched his phone, he would be arrested (**Allegations A and B: Abuse of Authority**, § 87(2)(g)).

PO Galindosanchez asked § 87(2)(b) to exit his vehicle. While escorting § 87(2)(b) to a police vehicle, § 87(2)(b) said, "Y'all fucking up." PO Galindosanchez stated, "Who's fucking up?" (**Allegation C: Discourtesy**, § 87(2)(g)). § 87(2)(b) alleged that PO Galindosanchez threatened to arrest § 87(2)(b) if he removed anything from his pocket, called his father, raised his voice, talked back to PO Galindosanchez, or if § 87(2)(b) used his phone. PO Galindosanchez also allegedly told § 87(2)(b) to "get the fuck out of here" or he would be arrested (**Allegation D: Threat of Arrest**, § 87(2)(g) and **Allegation E: Discourtesy**, § 87(2)(g)).

PO Galindosanchez instructed § 87(2)(b) to exit the vehicle and he complied. PO Galindosanchez asked § 87(2)(b) if he had weapons (**Allegation F: Abuse of Authority**, § 87(2)(g)). PO Galindosanchez frisked § 87(2)(b) (**Allegation G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked for his bookbag, which was in § 87(2)(b)'s vehicle. PO Galindosanchez asked to see the bookbag and searched it with PO Trusewicz' assistance (**Allegations H and I: Abuse of Authority**, § 87(2)(g)). PO Galindosanchez and Trusewicz failed to provide their business cards to § 87(2)(b) at the conclusion of the interaction (**Allegations J and K: Abuse of Authority**, § 87(2)(g)).

PO Galindosanchez told PO Deirdre Collins, who arrived to assist the officers, to drive § 87(2)(b)'s vehicle to the 90th Precinct stationhouse (**Allegation L: Abuse of Authority**, § 87(2)(g)). At the stationhouse, PO Trusewicz strip searched § 87(2)(b) under the authority of Sgt. Joanne Barletta (**Allegation M: Abuse of Authority**, § 87(2)(g)). An unidentified female officer dressed in a white shirt uniform allegedly witnessed § 87(2)(b)'s strip search (**Allegation N: Abuse of Authority**, § 87(2)(g)). PO Trusewicz conducted a search of § 87(2)(b)'s vehicle, allegedly damaging parts of the interior in the process (**Allegation O: Abuse of Authority**, § 87(2)(g) and **Allegation P: Abuse of Authority**, § 87(2)(g)).

The investigation received body-worn camera (BWC) footage from the following officers: PO Galindosanchez, PO Trusewicz, and PO Collins.

§ 87(2)(b) was arrested for possessing a forged instrument in the second degree, identity theft, unlawful possession of personal identification cards in the second degree, and criminal possession of credit cards [**Board Review 01**].

§ 87(2)(b) was not arrested or issued summonses during the incident.

The following delayed the conclusion of this investigation. The case was filed two months after the incident. In addition, the investigation was further delayed through its attempts to obtain a copy of the search warrant in connection with the search of § 87(2)(b)'s vehicle at the 90th Precinct stationhouse. Between October 3, 2022, and January 19, 2023, in three request receipts, the NYPD was unable to provide a copy of the search warrant, requesting that the investigation request the document from other commands within the police department. Between February 9, 2023, and March 3, 2023, the investigation attempted to reach out by telephone and email to Assistant District Attorney Carmen Weaver, who originally reviewed the search warrant application. In an email, ADA Weaver stated that she could not provide a copy of the warrant because the records of the proceedings related to the search warrant application were sealed; however, she confirmed that it was reviewed and signed § 87(2)(b).

Allegation (A) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez interfered with § 87(2)(b)'s use of a recording device.

Allegation (B) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez threatened to arrest § 87(2)(b).

BWC footage from PO Galindosanchez [Board Review 02, timestamps 00:00 to 01:00] begins with the officer standing by the driver's side. Due to the audio buffer, there is no audio for the first minute of the recording. § 87(2)(b) the man wearing a black baseball cap, is holding his phone in his right hand, resting it on his knee. PO Galindosanchez retrieves § 87(2)(b)'s driver's license and appears to review it. PO Galindosanchez takes a step back to the driver's side. § 87(2)(b) has his phone raised horizontally toward the dashboard. He then lowers it, bringing it to his knee. The remainder of the footage does not capture PO Galindosanchez informing § 87(2)(b) that he could be arrested for touching his phone nor does the footage capture the officers discussing § 87(2)(b)'s attempt to record the interaction.

BWC footage from PO Trusewicz [Board Review 03, timestamps 00:00 to 01:00] captures PO Trusewicz' perspective from the passenger's side, beginning with the officers already standing by each side of § 87(2)(b)'s vehicle. § 87(2)(b) raises his phone horizontally, then flips it vertically and then lowers it. PO Trusewicz' footage also does not capture PO Galindosanchez threatening to arrest § 87(2)(b) for touching his phone and does not capture the officers discussing § 87(2)(b) attempting to record the interaction.

When PO Galindosanchez and PO Trusewicz approached the vehicle, § 87(2)(b) lifted his iPhone, chin-level, to record the officers. PO Galindosanchez told § 87(2)(b) that if he touched his phone again and turned it on, § 87(2)(b) would be arrested [Board Review 04].

§ 87(2)(b) stated that § 87(2)(b) was trying to record the officers but did not hear any officer tell him to turn off his phone [Board Review 05].

PO Galindosanchez denied threatening to arrest § 87(2)(b) for trying to record the interaction [Board Review 06].

PO Trusewicz did not recall § 87(2)(b) lifting his phone to record the interaction or hearing PO Galindosanchez tell § 87(2)(b) to turn off his phone or he would be arrested [Board Review 07].

Although § 87(2)(b) alleged that PO Galindosanchez threatened to arrest him for attempting to record the officers, § 87(2)(b) however, stated that he did not hear any officer tell § 87(2)(b) to turn off his phone. PO Galindosanchez denied threatening to arrest § 87(2)(b) for recording. BWC footage from PO Galindosanchez captures only § 87(2)(b) momentarily raising his phone. Due to the one-minute audio buffer during this interaction, no conversation is captured between PO Galindosanchez and § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (C) Discourtesy: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez spoke discourteously to § 87(2)(b).

BWC footage from PO Galindosanchez [Board Review 02, timestamps 01:00 to 02:38] captures the officer asking § 87(2)(b) to exit the vehicle due to a warrant for a summons. PO Galindosanchez guides § 87(2)(b) to the police vehicle. § 87(2)(b) say, "Y'all know y'all fucking up." PO Galindosanchez states, "Who's fucking up?"

§ 87(2)(b) did not allege that PO Galindosanchez used profanity [Board Review 05].

PO Galindosanchez initially did not recall using any profanity while speaking to § 87(2)(b)

PO Galindosanchez reviewed his BWC footage [Board Review 02, timestamps 02:30

to 02:39]. PO Galindosanchez heard himself say, “Who’s fucking up.” PO Galindosanchez explained that he was repeating what § 87(2)(b) said. There were multiple people coming close to the car. PO Galindosanchez did not know what § 87(2)(b) was talking about [Board Review 06].

NYPD Administrative Guide 304-11 indicates that police officers must interact with members of the public in a professional manner [Board Review 08]. DAO-DCT Case Number 2018-18951 [Board Review 09] states that profane remarks, made during stressful, violent confrontations or while an officer is trying to gain control of a chaotic situation, are not misconduct.

As captured in BWC footage, PO Galindosanchez used profanity while escorting § 87(2)(b) to his vehicle for transport. At the time PO Galindosanchez used profanity, § 87(2)(b) was in police custody. § 87(2)(g)

Allegation (D) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez threatened to arrest § 87(2)(b).

Allegation (E) Discourtesy: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez spoke discourteously to § 87(2)(b).

BWC footage from PO Galindosanchez [Board Review 02, timestamps 00:00 to 09:00] captures the incident from the officers standing by the front of the vehicle to their departure from the scene. Other than PO Galindosanchez threatening to transport § 87(2)(b) to the stationhouse to verify his identity for failing to identify himself after PO Galindosanchez informed him that he could be issued a summons for failing to wear a seatbelt (timestamps 04:19 to 05:00), PO Galindosanchez does not issue any other threats of arrest to § 87(2)(b).

§ 87(2)(b) alleged that PO Galindosanchez made multiple threats of arrest during their interaction. PO Galindosanchez told § 87(2)(b) that if he removed anything from his pocket, called his father, spoke back to him, or used his phone, he would be arrested. Toward the end of the interaction during the interaction, PO Galindosanchez told § 87(2)(b) to get “fuck out of here” otherwise he would be arrested [Board Review 04].

PO Galindosanchez denied threatening to arrest § 87(2)(b) for the actions noted above. He also did not tell § 87(2)(b) to “get the fuck out of here” [Board Review 06].

BWC footage does not capture the allegations raised above. § 87(2)(g)

Allegation (F) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez questioned § 87(2)(b).

Allegation (G) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez frisked § 87(2)(b).

PO Galindosanchez’ BWC footage [Board Review 02, timestamps 05:33 to 05:56] depicts PO Galindosanchez asking § 87(2)(b) to step out of the vehicle after § 87(2)(b) provided the officers with his full name and date of birth. When § 87(2)(b) exits the car, PO Galindosanchez asks § 87(2)(b) if he has weapons. PO Galindosanchez asks § 87(2)(b) if he can check him. § 87(2)(b)’s answer to the request is unclear in the audio. PO Galindosanchez feels around § 87(2)(b)’s thighs, groin area, and waist.

§ 87(2)(b) stated that he was wearing baggy camouflage cargo shorts and a white t-shirt. He was carrying his identification card and keys in his front pockets. When PO Galindosanchez and PO Trusewicz approached the vehicle, PO Trusewicz told him to remove his seatbelt. Other than trying to record the officers with his phone, § 87(2)(b) was not doing anything else with his body. After about five minutes, PO Trusewicz asked § 87(2)(b) to exit the vehicle. PO Trusewicz frisked § 87(2)(b). § 87(2)(b) did not allege that PO Galindosanchez questioned him about weapons

[Board Review 04].

Although § 87(2)(b) alleged that PO Trusewicz frisked § 87(2)(b) BWC footage captures PO Galindosanchez frisking him. As such, Allegations G is being pled against PO Galindosanchez.

PO Galindosanchez testified that other than not wearing a seatbelt, § 87(2)(b) was not suspected of criminality. During his interview, PO Galindosanchez was presented with his BWC footage **[Board Review 02, timestamps 05:24 to 05:54]**. PO Galindosanchez asked § 87(2)(b) if he had any weapons. § 87(2)(b) said, “No, check me.” PO Galindosanchez frisked § 87(2)(b) for weapons. When asked whether PO Galindosanchez believed § 87(2)(b) had any weapons on his person, PO Galindosanchez did not recall what led him to ask § 87(2)(b) about weapons or to believe § 87(2)(b) may have been carrying weapons **[Board Review 06]**.

In People v. Garcia, 20 N.Y.3d 317, the Court of Appeals found that officers could not, without founded suspicion for the inquiry, ask the occupants of a vehicle if they possessed any weapons **[Board Review 30]**.

In Arizona v. Johnson, 555 U.S. 323, the Supreme Court of the United States held that to justify a pat down of a passenger during a traffic stop, the police must harbor reasonable suspicion that the person subjected to the frisk armed and dangerous **[Board Review 11]**.

PO Galindosanchez was unable to articulate the circumstances that led him to ask § 87(2)(b) about weapons and to support his basis for frisking § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez searched § 87(2)(b)

Allegation (I) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Piotr Trusewicz searched § 87(2)(b)

Starting at 6:00 of PO Galindosanchez’ footage **[Board Review 02]**, § 87(2)(b) attempts to retrieve his bookbag from the backseat of § 87(2)(b)’s vehicle. PO Galindosanchez tells § 87(2)(b) to leave the bag in the car. § 87(2)(b) states that it is his bag. PO Galindosanchez asks § 87(2)(b) if his identification card is in the bag. § 87(2)(b) confirms it is. PO Galindosanchez states, “Hold on. Let me see your bag.” § 87(2)(b) does not respond to the request. PO Trusewicz retrieves a black bookbag from the rear of the vehicle and places it on the vehicle, holding the bag open while PO Galindosanchez unzips its front pocket. PO Galindosanchez asks § 87(2)(b) for the location of the identification card. § 87(2)(b)’s response is unclear in the audio. PO Galindosanchez unzips the front pocket. He reaches into the front pocket. PO Galindosanchez unzips the rear pocket and reaches inside of it. A laptop corner appears from the rear pocket. After unzipping the two pockets of the bag, PO Galindosanchez tells § 87(2)(b) that they needed to verify that the bag belonged to § 87(2)(b). At 06:32, PO Galindosanchez returns the bag to § 87(2)(b) after appearing to have found the identification card, saying § 87(2)(b). The card is not visible in the footage, however.

§ 87(2)(b) stated that PO Trusewicz told § 87(2)(b) that he could have his bag, but the officers would have to search it. PO Trusewicz pulled § 87(2)(b)’s black book bag from the backseat of the car. PO Trusewicz asked § 87(2)(b) what was in the bag. § 87(2)(b) showed the officers something he could not recall that proved the bag belonged to § 87(2)(b). PO Trusewicz opened the bag, opening both pockets, and located the item § 87(2)(b) mentioned. § 87(2)(b) did not recall whether PO Trusewicz reached inside the bag **[Board Review 04]**.

PO Galindosanchez testified that § 87(2)(b) other than not wearing a seatbelt, was not suspected of any crimes. § 87(2)(b) asked for his black bookbag. PO Galindosanchez explained in his interview that everything in the vehicle technically belonged to the driver, § 87(2)(b). PO

Galindosanchez told § 87(2)(b) that he could have his book bag if he proved that it belonged to him. PO Galindosanchez asked § 87(2)(b) whether there was something in the bag that proved ownership. § 87(2)(b) told PO Galindosanchez about objects in the bag that showed that it was his bag. PO Galindosanchez wanted to note the bag's contents in case § 87(2)(b) alleged that PO Galindosanchez stole something. PO Galindosanchez put his hand into the bag's pockets and looked for the object § 87(2)(b) described. PO Galindosanchez did not recall what he saw in the bag. § 87(2)(b) provided PO Galindosanchez with permission to go through the bag. During his interview, PO Galindosanchez was presented with his BWC footage [Board Review 02, timestamps 05:24 to 05:53]. The footage did not refresh PO Galindosanchez' recollection about any observations about the vehicle that led PO Galindosanchez to believe § 87(2)(b) was carrying weapons [Board Review 06].

PO Trusewicz initially testified that he searched § 87(2)(b)'s book bag to check it for narcotics or weapons. The vehicle was now under the custody of the NYPD, and the officers needed to confirm whether the bag belonged to § 87(2)(b) who was under arrest. PO Trusewicz opened the bag but did not recall reaching into the bag. When asked whether there were any observations that the bag contained a weapon, PO Trusewicz stated that the bag was heavy. When PO Trusewicz opened it, the weight was due to a laptop inside. During his interview, PO Trusewicz was presented with his BWC footage [Board Review 03, timestamps 06:02 to 06:44]. PO Trusewicz opened the bag. PO Galindosanchez "double checked" everything. PO Trusewicz acknowledged possibly not reaching into the bag.

In People v. Packer, 49 A.D. 3d 184, the Court discussed a police interaction where the defendant was a passenger, and the driver was arrested for cashing forged checks. Initially instructed to remain in the vehicle, the defendant was asked to exit the car and was then frisked, resulting in the discovery of a knife. An officer asked the defendant for identification, retrieved his backpack, and requested consent to search the bag for the defendant's identification. The Court held that the defendant was still under police custody since the officer did not allow the defendant to look through the bag for himself. As such, the backpack search was impermissible and unreasonable given that initial frisk was based on "less than reasonable suspicion of criminal activity" and that the defendant's consent was not voluntary given that he was still detained outside of the vehicle outside of the reach of the bag [Board Review 32].

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Jonathan Galindosanchez failed to provide § 87(2)(b) with a business card.

Allegation (K) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, Police Officer Piotr Trusewicz failed to provide § 87(2)(b) with a business card.

BWC footage from PO Galindosanchez [Board Review 02, timestamps 07:23 to 09:00] captures PO Galindosanchez walking away from § 87(2)(b) after searching his bookbag. PO Galindosanchez enters his vehicle and drives away.

§ 87(2)(b) stated that he did not receive a business card at the end of the interaction [Board Review 04].

PO Galindosanchez initially did not recall providing business a business card to § 87(2)(b). During his interview, PO Galindosanchez was presented with his BWC footage capturing the conclusion of his interaction with § 87(2)(b) [Board Review 02, timestamps 08:25 to 09:11].

When asked whether PO Galindosanchez provided a business card to § 87(2)(b) PO Galindosanchez stated that he was busy with the arrest situation. PO Galindosanchez did not recall the rules at the time regarding the offering of business cards [Board Review 06].

PO Trusewicz testified that § 87(2)(b) did not ask him for any business cards, so PO Trusewicz did not provide a business card [Board Review 07].

NYPD Administrative Guide 304-11 provides members of service guidelines on compliance with the Right to Know Act (RTKA). Officers are required to offer business cards for law enforcement activities during a stop where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter [Board Review 08].

As discussed in Allegations F through I, PO Galindosanchez questioned § 87(2)(b) about weapons, frisked his person, and searched his book bag with the assistance of PO Trusewicz. As captured in BWC footage, PO Galindosanchez and PO Trusewicz ended the encounter without providing their business cards to § 87(2)(b) who was not issued a summons or arrested. § 87(2)(g)

Allegation (L) Abuse of Authority: On Bushwick Avenue, in between Cook Street and Varet Street, in Brooklyn, PO Deirdre Collins seized § 87(2)(b)'s property.

BWC footage from PO Collins [Board Review 11] shows her taking § 87(2)(b)'s car keys from PO Galindosanchez. She then drives § 87(2)(b)'s vehicle to the 90th Precinct stationhouse (03:23 to 08:13).

§ 87(2)(b) stated that while he was inside the police vehicle, he saw an officer drive his vehicle away from the scene [Board Review 05].

PO Galindosanchez stated that § 87(2)(b)'s vehicle was brought back and safeguarded at the stationhouse [Board Review 06].

The investigation was unable to obtain vouchers related to the vehicle due to the absence of signed unsealing orders from § 87(2)(b).

NYPD Patrol Guide Procedure 208-03 provides guidelines on the procedures following an arrest. It is noted that vehicles or other conveyance not required as evidence are to be safeguarded, if appropriate [Board Review 24].

As depicted in BWC footage, § 87(2)(b)'s vehicle was parked by a fire hydrant and unattended after his arrest. Other than § 87(2)(b) who was § 87(2)(b)'s friend and not the owner of the vehicle, the officers did not have anyone to leave with the vehicle. § 87(2)(g)

Allegation (M) Abuse of Authority: Inside the 90th Precinct stationhouse, Sergeant Joanna Barletta authorized the strip-search § 87(2)(b).

BWC footage from PO Trusewicz [Board Review 03, timestamps 14:00 to 15:30] shows § 87(2)(b) being processed at the desk. PO Trusewicz feels around § 87(2)(b)'s lower body: his waist, and his inner thighs. PO Trusewicz also feels around § 87(2)(b)'s chest. He uses a metal detecting wand on § 87(2)(b)'s waist area, waving it around his front and back. Throughout the frisk, § 87(2)(b) does not appear to be making any overt movements with his body.

According to § 87(2)(b) PO Galindosanchez, PO Trusewicz, and an unidentified white female officer dressed in a white shirt entered the holding cell area. The female officer told § 87(2)(b) that he needed to be strip searched. PO Galindosanchez, PO Trusewicz, the female officer, and two other unidentified officers brought § 87(2)(b) to a bathroom near the holding cell. In the bathroom, PO Galindosanchez asked § 87(2)(b) to strip, lift his testicles, and cough

two to three times. The bathroom door was open; PO Galindosanchez, PO Trusewicz, the unidentified female officer, and two other officers were watching § 87(2)(b). The officers did not find anything. § 87(2)(b) later learned from plainclothes officers that a K-9 dog alerted officers to drugs in his vehicle, which was the reason why § 87(2)(b) was strip-searched [Board Review 05].

PO Trusewicz frisked § 87(2)(b) at the front desk. PO Trusewicz was coming up to § 87(2)(b)'s groin area with his hands. § 87(2)(b) was twisting and turning a little bit away from PO Trusewicz as his hand was going up § 87(2)(b)'s buttock. PO Trusewicz was feeling around the inner most part of § 87(2)(b)'s thigh and butt muscle. § 87(2)(b) clenched his buttocks twice, once up one leg and once up the other leg. Because § 87(2)(b) was moving his hips and clenching his buttocks, PO Trusewicz, a former New York City corrections officer who received training in strip searches, believed § 87(2)(b) was concealing weapons or narcotics in his buttocks. PO Trusewicz told Sgt. Barletta, who was at the desk while § 87(2)(b) was being processed, about his observations: § 87(2)(b)'s movements and the tension PO Trusewicz felt. Sgt. Barletta observed § 87(2)(b)'s movements as well. PO Trusewicz asked Sgt. Barletta if he was going to perform a strip search. Sgt. Barletta authorized the strip search, which was documented in the command log. The strip search was conducted inside a closed off room before the holding cell area. PO Trusewicz instructed § 87(2)(b) to pull down his pants and underwear and perform a deep-knee bend. § 87(2)(b) did not remove his top. PO Trusewicz explained to § 87(2)(b) that he believed § 87(2)(b) was concealing something. No objects were recovered after § 87(2)(b) performed the deep knee bend. No female officers were present during the strip search.

During his interview, PO Trusewicz was presented footage of him frisking § 87(2)(b) in front of the desk [Board Review 03, timestamps 14:08 to 14:27]. PO Trusewicz stated that § 87(2)(b) turned his hips a little further away from the officer as he was running his hand down § 87(2)(b)'s right leg. On the rear of his right leg, § 87(2)(b) turned his hips a little bit, which initiated PO Trusewicz' suspicion that there might be something. The slight turning and tension raised PO Trusewicz' suspicion [Board Review 07].

PO Galindosanchez believed a strip search of § 87(2)(b) occurred, but he did not witness it [Board Review 06].

Sgt. Barletta authorized the strip search of § 87(2)(b). She did not recall § 87(2)(b)'s movements at the desk. PO Trusewicz explained to Sgt. Barletta that he had reasonable suspicion to believe § 87(2)(b) was concealing contraband. She did not recall the details provided by PO Trusewicz of his observation. She denied being present for the strip search and was unaware of any female officers being present during the strip search. During her interview, Sgt. Barletta was presented with PO Trusewicz' BWC footage [Board Review 03, timestamps 13:44 to 16:18]. Sgt. Barletta did not see any movements by § 87(2)(b) suggesting he was hiding something. She was also presented with the command log entry for the arrest of § 87(2)(b) [Board Review 15]. Sgt. Barletta confirmed that the cut-off part of the margins was her handwriting. It was for a strip search entry. She prepared the entry, which includes the strip search and the time it occurred. The notation did not include the reason for the strip search [Board Review 14].

The 90th Precinct Command Log entries for § 87(2)(b)'s arrest includes the time of arrest. Toward the right margins is a partial notation that only notes, "St-" The time and full strip search annotation are not visible in the scanned command log entry because the right margins were not scanned. The investigation was unable to obtain a better scan. Two follow-up requests for a better copy on September 12, 2022, and November 23, 2022. The first request and second requests returned command log entries that did not contain § 87(2)(b)'s arrest [Board Review 15].

Due to the late filing of the complaint, the investigation was unable to obtain stationhouse footage.

NYPD Patrol Guide Procedure 208-05 provides officers with guidelines on conducting strip

searches. A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods. The arresting officer requesting authorization to conduct a strip search must describe the factual basis for the request to the officer's immediate supervisor. A supervisor will authorize a strip search only when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon. It is also noted that if a strip search is conducted, such information will be entered in the Command Log, arresting officer's digital Activity Log, and documented on the On-line Booking System Arrest Worksheet [Board Review 16].

PO Trusewicz acknowledged conducting the strip search, which was authorized by Sgt. Barletta. For this reason, Allegation M is being pled against Sgt. Barletta.

PO Trusewicz testified that he was a former New York City Department of Corrections (DOC) corrections officer and received training in strip searches. According to PO Trusewicz, § 87(2)(b) was clenching his buttocks and turning slightly away from the officer as PO Trusewicz felt around his groin area and inner thighs, leading him to believe § 87(2)(b) was concealing an object. BWC footage from § 87(2)(b) although not capturing him clenching his buttocks, does not show § 87(2)(b) making any movements suggesting he was concealing something as PO Trusewicz feels around his legs. Sgt. Barletta reviewed PO Trusewicz' footage and stated that she did not see movements by § 87(2)(b) suggesting he was concealing something. Due to the late filing of the complaint, the investigation was unable to obtain stationhouse footage that may have captured another vantage point of § 87(2)(b)'s apparent lower body movements.

§ 87(2)(g)

Allegation (N) Abuse of Authority: At the 90th Precinct stationhouse, an officer sexually humiliated § 87(2)(b) through failure to cover.

§ 87(2)(b) alleged that a white female officer dressed in a white shirt was present when PO Trusewicz strip searched him [Board Review 05].

PO Trusewicz testified that there were no female officers present during § 87(2)(b)'s strip search [Board Review 07].

PO Galindosanchez did not recall being present during the strip search, and Sgt. Barletta denied being present during the strip search [Board Reviews 06 and 14].

The investigation reviewed the Roll Call for Tour 3 from the 90th Precinct to locate any female officers with the rank of lieutenant and above who were working at the time of this incident [Board Review 29]. According to this roll call, Lt. Timothy Fox, who is a white male, was the only officer with the rank of lieutenant or above working.

§ 87(2)(g)

Allegation (O) Abuse of Authority: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (P) Abuse of Authority: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz damaged § 87(2)(b)'s property.

After § 87(2)(b) was strip-searched, he spoke to three plainclothes officers on the second floor of the 90th Precinct stationhouse. The officers told § 87(2)(b) that a K-9 dog alerted officers twice that there were drugs in his vehicle. They asked § 87(2)(b) about drugs inside his vehicle. § 87(2)(b) denied knowing about any drugs. The officers told § 87(2)(b) that once the warrant is obtained, his car would be stripped apart, including its dashboard, the

chairs, the carpet, and the sun visor. They also asked § 87(2)(b) to open a secret compartment in the vehicle. § 87(2)(b) denied having any knowledge of a secret compartment in his car. After § 87(2)(b) was released from police custody, at an unknown time and date, he found damage to the following areas and parts of the vehicle: the lights for his car door, the leather dashboard, the panel, and the sunroof's rubber lining **[Board Review 05]**.

PO Trusewicz testified that he contacted the Emergency Service Unit (ESU) to have a K-9 unit come to the stationhouse. The officers suspected narcotics was involved after receiving information from Field Intelligence Officers (FIOs) indicating that a vehicle matching § 87(2)(b)'s description was parked at Bushwick Avenue and Cook Street. The FIOs also indicated that numerous individuals were visiting the vehicle and leaving it. The K-9 handler informed PO Trusewicz that his dog was certified to detect all narcotics except marijuana. Any positive identifications by the dog, then, would be for something more than just marijuana. The K-9 dog had two positive identifications on the vehicle: the driver's side door and the passenger's side door. PO Trusewicz observed the dog sit down by the passenger's side and the driver's side of § 87(2)(b)'s vehicle. The only people present during were PO Trusewicz and the K-9 handler. Based on the K-9 dog's identification, PO Trusewicz obtained a search warrant allowing him to search the vehicle. On August 20, 2022, at a time that he could not recall, PO Trusewicz searched § 87(2)(b)'s vehicle. The search involved removing parts from the vehicle in the least damaging manner. He tried to remove the door panel without ripping it to see if anything was hidden inside the door panel. The search yielded marijuana clippings, which were legal. The K-9 handler informed PO Trusewicz that since the dog detected something, there were narcotics in the car within a short time span. PO Trusewicz denied damaging the lights for the car door, the leather, and the sunroof lining **[Board Review 07]**.

During his CCRB interview, PO Trusewicz provided a scanned copy of the search warrant application for Search Warrant #§ 87(2)(b) **[Board Review 17]**. The search warrant application indicates that PO Trusewicz received information and observations from PO Jeremy Lucca and Canine 25, which is trained in the detection of drugs including cocaine, crack cocaine, methamphetamines but not trained in detection of marijuana. The affidavit further indicates that PO Lucca informed PO Trusewicz that the dog detected one of the substances it is trained to detect inside the panels of the front passenger and driver's doors.

The investigation contacted Assistant District Attorney Carmen Weaver to obtain a copy of Search Warrant #§ 87(2)(b). ADA Weaver, in an email, explained that she could not provide a copy because the records related to the proceeding were sealed. She confirmed that the search warrant was reviewed by § 87(2)(b).

The investigation requested via email photographs documenting the damages to § 87(2)(b)'s vehicle. To date, § 87(2)(b) has not submitted photographs documenting the damages to his car.

PO Trusewicz executed a search warrant to search and remove parts of § 87(2)(b)'s vehicle to locate narcotics within said vehicle. § 87(2)(g)

Because the investigation does not have evidence documenting the alleged damages to § 87(2)(b)'s vehicle, the investigation cannot determine whether the extent of the damages to the car, if at all, were reasonable. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- § 87(2)(b)
- This is the first complaint to which § 87(2)(b) has been a party [**Board Review 19**]:
- PO Trusewicz has been a member of service for three years and has been a subject in one CCRB complaint, § 87(2)(g)
- PO Galindosanchez has been a member of service for five years and has been a subject in two CCRB complaints and three allegations, of which one was substantiated:
 - Case 201810125 involved a substantiated allegation of Discourtesy against PO Galindosanchez. The NYPD imposed instructions. § 87(2)(g)
- Sgt. Barletta has been a member of service for 11 years and has been a subject in four CCRB complaints and 21 allegations, of which three were substantiated:
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 18, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident [**Board Review 21**].
- § 87(2)(b) [REDACTED]

Squad: 11

Investigator:	<u> </u>	<u>Inv. Mike Talisayan</u>
	Signature	Print Title & Name
		<u>03/27/2023</u>
		Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>03/28/2023</u>
	Signature	Print Title & Name	Date

Reviewer: _____

_____ Signature	_____ Print Title & Name	_____ Date
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